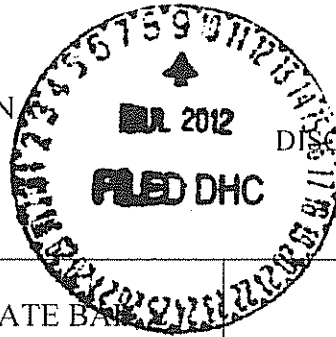


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
12 DHC 26

THE NORTH CAROLINA STATE BAR

Plaintiff

v.

SAMEKA B. BENNERMAN, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Sameka B. Bennerman ("Bennerman"), was admitted to the North Carolina State Bar in 2006, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Bennerman was engaged in the practice of law in the State of North Carolina and maintained a law office in Rocky Mount, Nash County, North Carolina.

4. Bennerman represented clients on traffic matters and other legal matters.

5. Beginning in at least May 2009, Bennerman collected funds from clients which were mixed funds, including funds comprised of her fee plus court costs and fines.

6. Bennerman failed to deposit these mixed funds received from clients into her trust account.

7. Instead, Bennerman deposited these funds into her operating account.

8. From at least May 2009 through June 2011, Bennerman used the funds in her operating account for her personal purposes, including expending the funds she should have maintained in trust for her clients.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- (a) By depositing funds that should have been held in trust for her clients into her operating account and spending those funds for her personal use and benefit, Bennerman misappropriated entrusted funds in violation of Rule 8.4(b) and (c); and
- (b) By failing to deposit funds comprised of her attorney fee and court costs and fines into her trust account, Bennerman failed to deposit mixed funds intact in violation of Rule 1.15-2(g) and failed to properly maintain entrusted funds in violation of Rule 1.15-2(a).

WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

This the 9th day of July 2012.



Margaret M. Hunt, Chair
Grievance Committee



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